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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

LAWRENCE TARIZZO, individually	)	Case No.
and on behalf of all others similarly	)	
situated,	)	<b><u>CLASS ACTION</u></b>
	)	
Plaintiff,	)	<b>COMPLAINT FOR VIOLATIONS</b>
	)	<b>OF:</b>
vs.	)	
	)	1. NEGLIGENT VIOLATIONS
ALLIANCE SECURITY INC. WILL	)	OF THE TELEPHONE
DO BUSINESS IN CALIFORNIA AS	)	CONSUMER PROTECTION
AH SECURITY INC.,	)	ACT [47 U.S.C. §227 ET
	)	SEQ.]
	)	2. WILLFUL VIOLATIONS
	)	OF THE TELEPHONE
Defendant.	)	CONSUMER PROTECTION
	)	ACT [47 U.S.C. §227 ET
	)	SEQ.]
	)	
	)	<b><u>DEMAND FOR JURY TRIAL</u></b>
	)	
	)	

Plaintiff Lawrence Tarizzo ("Plaintiff"), individually and on behalf of all others similarly situated, alleges the following upon information and belief based

1 upon personal knowledge:

## 2 **NATURE OF THE CASE**

3 1. Plaintiff brings this action individually and on behalf of all others  
 4 similarly situated seeking damages and any other available legal or equitable  
 5 remedies resulting from the illegal actions of Alliance Security Inc. Will Do  
 6 Business In California As AH Security Inc. (“Defendant”), in negligently,  
 7 knowingly, and/or willfully contacting Plaintiff on Plaintiff’s cellular telephone in  
 8 violation of the Telephone Consumer Protection Act, *47 U.S.C. § 227 et seq.*  
 9 (“TCPA”), thereby invading Plaintiff’s privacy.

## 10 **JURISDICTION & VENUE**

11 2. Jurisdiction is proper under *28 U.S.C. § 1332(d)(2)* because Plaintiff,  
 12 a resident of California, seeks relief on behalf of a Class, which will result in at  
 13 least one class member belonging to a different state than that of Defendant, a  
 14 company with its principal place of business in the state of Rhode Island, and  
 15 which is incorporated in the state of Delaware. Plaintiff also seeks up to  
 16 \$1,500.00 in damages for each call in violation of the TCPA, which, when  
 17 aggregated among a proposed class in the thousands, exceeds the \$5,000,000.00  
 18 threshold for federal court jurisdiction. Therefore, both diversity jurisdiction and  
 19 the damages threshold under the Class Action Fairness Act of 2005 (“CAFA”) are  
 20 present, and this Court has jurisdiction.

21 3. Venue is proper in the United States District Court for the Central  
 22 District of California pursuant to *18 U.S.C. 1391(b)* and *18 U.S.C. § 1441(a)*  
 23 because Defendant does business within the state of California and Plaintiff  
 24 resides within the county of Los Angeles.

## 25 **PARTIES**

26 4. Plaintiff, Lawrence Tarizzo (“Plaintiff”), is a natural person residing  
 27 in Los Angeles, California and is a “person” as defined by *47 U.S.C. § 153 (10)*.

28 5. Defendant, Alliance Security Inc. Will Do Business In California As

AH Security Inc. (“Defendant”), is in the business of providing consumers home security services and is a “person” as defined by 47 U.S.C. § 153 (10).

### **FACTUAL ALLEGATIONS**

6. Beginning in or around January of 2015, Defendant contacted Plaintiff on his cellular telephone number ending in -8476, in an attempt to solicit Plaintiff Defendant’s services with respect to providing Plaintiff with a home security system.

7. Defendant contacted or attempted to contact Plaintiff from the following telephone numbers: (253)236-2214 and (425)336-8082.

8. As an illustrative example, Defendant contacted or attempted to contact Plaintiff at the following times: January 22, 2015 at 11:47 a.m.; February 16, 2015 at 10:11 a.m.; and February 17, 2015 at 3:41 p.m. These dates and times are not inclusive of each and every attempted contact by Defendant.

9. Defendant used an “automatic telephone dialing system”, as defined by 47 U.S.C. § 227(a)(1) to place its call to Plaintiff seeking to solicit its services.

10. Defendant’s calls constituted calls that were not for emergency purposes as defined by 47 U.S.C. § 227(b)(1)(A).

11. Defendant’s calls were placed to telephone number assigned to a cellular telephone service for which Plaintiff incurs a charge for incoming calls pursuant to 47 U.S.C. § 227(b)(1).

12. Defendant never possessed Plaintiff’s “prior express consent” to receive calls using an automatic telephone dialing system or an artificial or prerecorded voice on her cellular telephone pursuant to 47 U.S.C. § 227(b)(1)(A).

### **CLASS ALLEGATIONS**

13. Plaintiff brings this action individually and on behalf of all others similarly situated, as a member of the proposed class (hereafter “The Class”) defined as follows:

All persons within the United States who received any

1 solicitation/telemarketing telephone calls from  
2 Defendant to said person's cellular telephone made  
3 through the use of any automatic telephone dialing  
4 system or an artificial or prerecorded voice and such  
5 person had not previously consented to receiving such  
6 calls within the four years prior to the filing of this  
7 Complaint

8 14. Plaintiff represents, and is a member of, The Class, consisting of All  
9 persons within the United States who received any collection telephone calls from  
10 Defendant to said person's cellular telephone made through the use of any  
11 automatic telephone dialing system or an artificial or prerecorded voice and such  
12 person had not previously not provided their cellular telephone number to  
13 Defendant within the four years prior to the filing of this Complaint.

14 15. Defendant, its employees and agents are excluded from The Class.  
15 Plaintiff does not know the number of members in The Class, but believes the  
16 Class members number in the thousands, if not more. Thus, this matter should be  
17 certified as a Class Action to assist in the expeditious litigation of the matter.

18 16. The Class is so numerous that the individual joinder of all of its  
19 members is impractical. While the exact number and identities of The Class  
20 members are unknown to Plaintiff at this time and can only be ascertained  
21 through appropriate discovery, Plaintiff is informed and believes and thereon  
22 alleges that The Class includes thousands of members. Plaintiff alleges that The  
23 Class members may be ascertained by the records maintained by Defendant.

24 17. Plaintiff and members of The Class were harmed by the acts of  
25 Defendant in at least the following ways: Defendant illegally contacted Plaintiff  
26 and Class members via their cellular telephones thereby causing Plaintiff and  
27 Class members to incur certain charges or reduced telephone time for which  
28 Plaintiff and Class members had previously paid by having to retrieve or  
administer messages left by Defendant during those illegal calls, and invading the

1 privacy of said Plaintiff and Class members.

2 18. Common questions of fact and law exist as to all members of The  
3 Class which predominate over any questions affecting only individual members  
4 of The Class. These common legal and factual questions, which do not vary  
5 between Class members, and which may be determined without reference to the  
6 individual circumstances of any Class members, include, but are not limited to,  
7 the following:

- 8 a. Whether, within the four years prior to the filing of this  
9 Complaint, Defendant made any telemarketing/solicitation call  
10 (other than a call made for emergency purposes or made with  
11 the prior express consent of the called party) to a Class  
12 member using any automatic telephone dialing system or any  
13 artificial or prerecorded voice to any telephone number  
14 assigned to a cellular telephone service;
- 15 b. Whether Plaintiff and the Class members were damages  
16 thereby, and the extent of damages for such violation; and
- 17 c. Whether Defendant should be enjoined from engaging in such  
18 conduct in the future.

19 19. As a person that received numerous telemarketing/solicitation calls  
20 from Defendant using an automatic telephone dialing system or an artificial or  
21 prerecorded voice, without Plaintiff's prior express consent, Plaintiff is asserting  
22 claims that are typical of The Class.

23 20. Plaintiff will fairly and adequately protect the interests of the  
24 members of The Class. Plaintiff has retained attorneys experienced in the  
25 prosecution of class actions.

26 21. A class action is superior to other available methods of fair and  
27 efficient adjudication of this controversy, since individual litigation of the claims  
28 of all Class members is impracticable. Even if every Class member could afford

individual litigation, the court system could not. It would be unduly burdensome to the courts in which individual litigation of numerous issues would proceed. Individualized litigation would also present the potential for varying, inconsistent, or contradictory judgments and would magnify the delay and expense to all parties and to the court system resulting from multiple trials of the same complex factual issues. By contrast, the conduct of this action as a class action presents fewer management difficulties, conserves the resources of the parties and of the court system, and protects the rights of each Class member.

22. The prosecution of separate actions by individual Class members would create a risk of adjudications with respect to them that would, as a practical matter, be dispositive of the interests of the other Class members not parties to such adjudications or that would substantially impair or impede the ability of such non-party Class members to protect their interests.

23. Defendant has acted or refused to act in respects generally applicable to The Class, thereby making appropriate final and injunctive relief with regard to the members of the Class as a whole.

### **FIRST CAUSE OF ACTION**

#### **Negligent Violations of the Telephone Consumer Protection Act**

#### **47 U.S.C. §227 et seq.**

24. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-23.

25. The foregoing acts and omissions of Defendant constitute numerous and multiple negligent violations of the TCPA, including but not limited to each and every one of the above cited provisions of *47 U.S.C. § 227 et seq.*

26. As a result of Defendant's negligent violations of *47 U.S.C. § 227 et seq.*, Plaintiff and the Class Members are entitled an award of \$500.00 in statutory damages, for each and every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)*.

1           27. Plaintiff and the Class members are also entitled to and seek  
2 injunctive relief prohibiting such conduct in the future.

3                           **SECOND CAUSE OF ACTION**

4           **Knowing and/or Willful Violations of the Telephone Consumer Protection**  
5                           **Act**

6                                   **47 U.S.C. §227 et seq.**

7           28. Plaintiff repeats and incorporates by reference into this cause of  
8 action the allegations set forth above at Paragraphs 1-27.

9           29. The foregoing acts and omissions of Defendant constitute numerous  
10 and multiple knowing and/or willful violations of the TCPA, including but not  
11 limited to each and every one of the above cited provisions of *47 U.S.C. § 227 et*  
12 *seq.*

13           30. As a result of Defendant's knowing and/or willful violations of *47*  
14 *U.S.C. § 227 et seq.*, Plaintiff and the Class members are entitled an award of  
15 \$1,500.00 in statutory damages, for each and every violation, pursuant to *47*  
16 *U.S.C. § 227(b)(3)(B)* and *47 U.S.C. § 227(b)(3)(C)*.

17           31. Plaintiff and the Class members are also entitled to and seek  
18 injunctive relief prohibiting such conduct in the future.

19                           **PRAYER FOR RELIEF**

20           WHEREFORE, Plaintiff requests judgment against Defendant for the following:

21                           **FIRST CAUSE OF ACTION**

22           **Negligent Violations of the Telephone Consumer Protection Act**

23                                   **47 U.S.C. §227 et seq.**

- 24           • As a result of Defendant's negligent violations of *47 U.S.C.*  
25           *§227(b)(1)*, Plaintiff and the Class members are entitled to and  
26           request \$500 in statutory damages, for each and every violation,  
27           pursuant to *47 U.S.C. 227(b)(3)(B)*.  
28           • Any and all other relief that the Court deems just and proper.

**SECOND CAUSE OF ACTION**

**Knowing and/or Willful Violations of the Telephone Consumer Protection Act**

**47 U.S.C. §227 et seq.**

- As a result of Defendant's willful and/or knowing violations of 47 U.S.C. §227(b)(1), Plaintiff and the Class members are entitled to and request treble damages, as provided by statute, up to \$1,500, for each and every violation, pursuant to 47 U.S.C. §227(b)(3)(B) and 47 U.S.C. §227(b)(3)(C).
- Any and all other relief that the Court deems just and proper.

Respectfully Submitted this 9<sup>th</sup> day of April, 2015.

LAW OFFICES OF TODD M. FRIEDMAN, P.C.

By: /s/ Todd M. Friedman  
Todd M. Friedman  
Law Offices of Todd M. Friedman  
Attorney for Plaintiff